

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

IN RE:) Chapter 13
) Bankruptcy No. 18-48743 LSG
) Judge Lisa S. Gretchko
Tiffany Caldwell,)
)
)
)
Debtor.)
_____ /

DEBTOR'S OBJECTION TO U.S. Bank National Association/Rushmore Loan Management Service's PROOF OF CLAIM (ECF CLAIM NO. 4-1)

NOW COMES Debtor, by and through her attorney, and hereby objects to Proof of Claim No. 4-1 filed in this case by National Association/Rushmore Loan Management Service's In support of this Objection, Debtor states:

1. On or about October 2, 2018, Debtor's mortgage National Association/Rushmore Loan Management Service ("Rushmore") filed a Proof of Claim.
2. The Claim alleges Debtor has a \$5,420.07 arrearage to Rushmore on her mortgage.
3. On or about October, 2023, The Michigan State Housing Development Authority paid Rushmore \$19,442.35 (see Exhibit B).
4. Upon information and belief, the MSHDA payment made Debtor current in her mortgage payment.
5. Rushmore has not Amended its Proof of Claim to reflect the MSHDA payment.

WHEREFORE, Debtor hereby requests this Honorable Court grant Debtor's Objection to Claim 4-1 and lower the amount of the alleged arrearage in Claim 4-1 to \$0.00, and Order that Debtor is hereby current in her payments to Rushmore.

Respectfully submitted,

/s/ Adam Wiener
Adam Wiener (P43216), *Of Counsel*
Law Office of David H. Lewiston
Attorney for Debtor
30400 Telegraph Rd., Suite 378
Bingham Farms, MI 48025
dlewiston@comcast.net
(248) 593-6900

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**ORDER GRANTING DEBTOR'S OBJECTION TO U.S. Bank National Association/Rushmore
Loan Management Service's PROOF OF CLAIM (ECF CLAIM NO. 4-1)**

An Objection to U.S. Bank National Association/Rushmore Loan Management Service's Proof of Claim having been filed and set for hearing, and the Court being fully advised;

IT IS HEREBY FURTHER ORDERED that to the extent the Chapter 13 Standing Trustee has previously made disbursements to such creditor, the Trustee shall not be obligated to recoup same.

IT IS HEREBY FURTHER ORDERED that the arrearage for U.S. Bank National Association/Rushmore Loan Management Service's PROOF Claim No. 4-1 shall be \$0.00.

IT IS HEREBY FURTHER ORDERED that Tiffany Caldwell shall be deemed current in her payments to Association/Rushmore Loan Management up through the date of the entry of this Order.

EXHIBIT A

10:06

LTE

◀ Mail



the MIHAF Program:

\$19,442.35

mortgage payment assistance - to the mortgage servicer, Rushmore Loan Management, (the "Servicer"),

\$375.13

delinquent utilities - to the utility provider, Consumers Energy, (the "Utility Provider").

\$889.17

delinquent utilities - to the utility provider, Oakland County Water Resource Commissioner (WRC), (the "Utility Provider").

WHEREAS, the Homeowner may be eligible for this Grant in the estimated amount of

\$ 20,706.65

(the "Grant Amount") related to the Homeowner's primary residence located at:

517 KONGONI DR PONTIAC MI 48341

(the "Property"). The actual grant award amount will be determined by the Servicer, Treasurer, Vendor, Association, Mobile Home Provider, and/or Utility Provider; and

AA

mihaf.michigan.gov



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Address: 517 Kongoni, Pontiac MI 48341
Last four digits of Social Security: 3387

NOTICE OF OBJECTION TO CLAIM

The Debtor has filed an objection to your claim in this bankruptcy case.

Your claim may be reduced, modified, or disallowed. You should read these papers carefully and discuss them with your attorney, if you have one.

If you do not want the court to disallow or change your claim, then on or before **February 8, 2024,** you or your lawyer must:

1. File with the court a written response to the objection, explaining your position, at:

U.S. Bankruptcy Court
211 West Fort Street
17th Floor
Detroit, MI 48226

If you mail your response to the court for filing, you must mail it early enough so that the court will receive it on or before the date stated above. All attorneys are required to file pleadings electronically.

You must also send a copy to:

Tiffany Caldwell, 517 Kongoni, Pontiac MI 48341
David Wm. Ruskin, 26555 Evergreen Rd, Ste 1100, Southfield, MI 48075
David H. Lewiston, 30400 Telgraph Rd., Ste 378, Bingham Farms MI 4802
248-593-6900

2. Attend the hearing on the objection, scheduled to be held on February 15, at 10:00a.m. in Courtroom 1975, United States Bankruptcy Court, 211 West Fort Street, Detroit, MI 48226 unless your attendance is excused by mutual agreement between yourself and the objector's attorney.

If you or your attorney do not take these steps, the Court may deem that you do not oppose the objection to your claim, in which event the hearing will be canceled, and the objection sustained.

Date: 1/04/2024

/s/ Adam L. Wiener (P43216)

Adam L. Wiener, *Of Counsel*

David H. Lewiston, attorney for Debtors

30400 Telegraph Road, Ste 378

Bingham Farms, MI 48025

248-593-6900

davidhleweston@comcast.net

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